

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 2:11-cr-00022-MR-DLH-8**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LONNIE PAYNE, JR.,

Defendant.

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ORDER

THIS MATTER is before the Court upon the Defendant's letter, which the Court construes as a motion for early termination of supervised release [Doc. 457]. Counsel for the Government and the Defendant's supervising probation officer have both advised the Court's chambers that they oppose the Defendant's motion.

On January 10, 2012, the Defendant pleaded guilty pursuant to a written plea agreement to one count of conspiracy to possess with intent to distribute a quantity of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846. [Docs. 153, 170]. On June 14, 2013, he was sentenced to a term of 37 months' imprisonment, followed by four years of supervised release. [Doc. 367].

The Defendant commenced his term of supervised release on April 15, 2014. [See Doc. 390]. The Defendant now moves the Court to exercise its discretion and terminate his term of supervised release pursuant to 18 U.S.C. § 3583(e)(1). [Doc. 457].

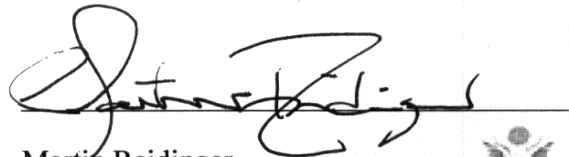
In order to terminate a defendant's term of supervised release, the Court must be "satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). In the present case, in light of the probation officer's and the Government's opposition to early termination, the Court is not satisfied that termination is warranted under the circumstances. Accordingly, the Court declines to exercise its discretion to terminate the Defendant's term of supervised release at this time.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's letter, which the Court construes as a motion for early termination of supervised release [Doc. 457] is **DENIED**. The Defendant's term of supervised release shall continue as originally sentenced.

The Clerk is directed to serve a copy of this Order on counsel for the Defendant, counsel for the Government, and the United States Probation Office.

IT IS SO ORDERED.

Signed: November 15, 2017


Martin Reidinger
United States District Judge

